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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/817,882

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Eric Marcelo Fonseca

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10/04/2004

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EXAMINER

TON, ANTHONY T

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Office Action Summary</p>	Application No. 09/817,882	Applicant(s) FONSECA ET AL.	
	Examiner Anthony T Ton	Art Unit 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


PHIRIN SAM

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
6) <input type="checkbox"/> Other: _____. |
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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

The reference “1” stands for the MSC (1) as described in the specification page 4 lines 11, 12 and 17 is not shown in **Fig.1**.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities:

a) Term “**EP1**” in page 4 line 13 should be completely spelled out at **the very first time**.

Examiner suggests changing this term to either “**extended protocol 1 (EP1)**” or “**extension portion 1 (EP1)**”; it depends on an Applicant’s choice.

b) Term “Dialect **EP2**” in page 4 line 15 is not corresponding to the drawing in **Fig. 1**.

Examiner suggests changing this term to “Dialect **EP1**” to be complied with the drawing in **Figure 1**.

c) Term “**only using STD**” in page 5 line 2 is not corresponding to the drawing in **Fig. 1**.

Examiner suggests changing this term to “**using STD plus Dialect EP2**” to be complied with the drawing in **Fig. 1**.

Appropriate correction is required.

Claim Objections

3. **Claims 1 and 9** are objected to because of the following informalities:

a) A term “**and**” should be added after term “**extended protocol;**” in line 13 of these two claims in order to be accommodated with the format of claims.

Examiner suggests changing the term “**extended protocol;**” in line 13 to “**extended protocol; and**”.

b) Term “**Standard** protocol” in line 15 of these two claims, there is no reason to capitalize the term “standard”.

Examiner suggests changing this term to “**standard** protocol”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. **Claims 1-16** rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) **Claims 1 and 9** recite the limitation “**the Standard protocol**” in **line 15**. There is insufficient antecedent basis for this limitation in the claims since it is not quite clear on a

protocol recited in line 3 of the claims. In the line 3 of these two claims, the Applicants claimed a protocol having a standard portion for transmitting standard messages, and an extension portion for transmitting non-standard messages. Therefore, such a protocol cannot be considered as a **standard protocol** as claimed by the Applicants.

b) **Claims 5, 6, 13 and 14** recite the limitation “**said standard protocol**” in **line 2**. There is insufficient antecedent basis for this limitation in the claims.

c) **Claims 8 and 16** recite the limitation “**said standard protocol**” in **line 1**. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 1, 4-8, 9 and 12-16** are rejected under 35 U.S.C. 102(e) as being anticipated by **Link** (US Patent No. 6,738,647).

a) **In Regarding to Claim 1:** **Link disclosed** in a wireless telecommunication system, a method of transmitting signaling messages among a plurality of entities, said signaling messages transmitted using a protocol having a standard portion for transmitting standard messages, and an extension portion for transmitting non-standard messages (*see col.14 line 60 – col.15 line 51*), comprising the steps of:

transmitting standard messages, using the standard portion of the protocol (*see Fig.4: (50) and col.15 lines 36-38*);

assigning to each pair of communicating entities, an extended protocol (*see col.15 lines 39-47*);

communicating between pairs of entities, using the assigned extended protocol (*see col.15 lines 47-51*); and

in response to receipt of a message outside a standard protocol, determining the source of the message, and interpreting the message in accordance with the extended protocol assigned for communications between a source and recipient entity (*col.16 lines 17-31*).

b) In Regarding to Claim 4: Link further disclosed the method of Claim 1, wherein an extended protocol comprises at least one extended protocol operations code, not defined in the standard portion of the protocol (*see col.15 lines 65-66*).

c) In Regarding to Claim 5: Link further disclosed the method of Claim 1, wherein said assigned extended protocol comprises at least one parameter identifier not included in said standard protocol (*see Table 1: Extended MSCID (VLR)*).

d) In Regarding to Claim 6: Link further disclosed the method of Claim 5, wherein said extended protocol further comprises at least one operations code not included in said standard protocol (*see col.16 lines 17-51*).

e) In Regarding to Claim 7: Link further disclosed the method of Claim 1, further comprising the step of transmitting a message for switching to a different extended protocol between the communicating entities (*see col.15 line 36 – col.16 line 31: EIA/TIA-553 and IS-41*).

f) **In Regarding to Claim 8:** Link further disclosed the method of Claim 1, wherein said standard protocol is an IS-41 Protocol (*see col.12 lines 11-28*).

g) **In Regarding to Claims 9 and 12-16:** the claimed subject matters of these claims are the same as that of claims 1 and 4-8, respectively in an apparatus of processor means as taught. Therefore, the rejections to the claims 1 and 4-8 would be used to reject these claims for the same reasons as described in the claims 1 and 4-8 above.

8. **Claims 1-16** are rejected under 35 U.S.C. 102(e) as being anticipated by **Ladue** (US Patent No. **6,070,070**).

a) **In Regarding to Claim 1:** **Ladue disclosed** in a wireless telecommunication system, a method of transmitting signaling messages among a plurality of entities, said signaling messages transmitted using a protocol having a standard portion for transmitting standard messages, and an extension portion for transmitting non-standard messages (*see col.2 lines 45-50 and col.7 lines 43-54*), comprising the steps of:

transmitting standard messages, using the standard portion of the protocol (*see col.4 lines 10-25*);

assigning to each pair of communicating entities, an extended protocol (*see col.14 lines 40-56*);

communicating between pairs of entities, using the assigned extended protocol (*see col.15 lines 31-59*); and

in response to receipt of a message outside a standard protocol, determining the source of the message, and interpreting the message in accordance with the extended protocol assigned for

communications between a source and recipient entity (*col.3 lines 7-44*).

b) In Regarding to Claim 2: Ladue further disclosed the method of Claim 1, wherein at least one entity can communicate in at least two different extended protocols (*see col.15 lines 12-30*).

c) In Regarding to Claim 3: Ladue further disclosed the method of Claim 2, wherein said at least one entity can translate between compatible messages in a first extended protocol and a second extended protocol (*see col.15 lines 22-30*).

d) In Regarding to Claim 4: Ladue further disclosed the method of Claim 1, wherein an extended protocol comprises at least one extended protocol operations code, not defined in the standard portion of the protocol (*see col.19 lines 34-45*).

e) In Regarding to Claim 5: Ladue further disclosed the method of Claim 1, wherein said assigned extended protocol comprises at least one parameter identifier not included in said standard protocol (*see Fig.16: 211 and 208*).

f) In Regarding to Claim 6: Ladue further disclosed the method of Claim 5, wherein said extended protocol further comprises at least one operations code not included in said standard protocol (*see col.19 lines 34-45*).

g) In Regarding to Claim 7: Ladue further disclosed the method of Claim 1, further comprising the step of transmitting a message for switching to a different extended protocol between the communicating entities (*see col.3 lines 7-25*).

h) In Regarding to Claim 8: Ladue further disclosed the method of Claim 1, wherein said standard protocol is an IS-41 Protocol (*see col.4 lines 10-25*).

i) **In Regarding to Claims 9-16:** the claimed subject matters of these claims are the same as that of claims 1-8, respectively in an apparatus of processor means as taught. Therefore, the rejections to the claims 1-8 would be used to reject these claims for the same reasons as described in the claims 1-8 above.

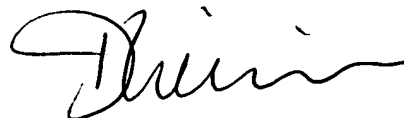
Examiner Information

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Anthony T Ton** whose telephone number is **571-272-3076**. The examiner can normally be reached on M-F: 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Ken Vanderpuye** can be reached on **571-272-3078**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-3076**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ATT
9/18/04



**PHIRIN SAM
PRIMARY EXAMINER**